

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

August 2017

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 128th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 128th Legislature is Wednesday, November 1, 2017. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Criminal Justice and Public Safety

LD 101 An Act Regarding the Transportation of Prisoners to County Jails

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART H ROSEN K	ONTP	

This bill authorizes a municipal law enforcement agency with custody over a person pursuant to an arrest to request that the sheriff of the county jail to which the person is to be transported assume custody over the person and transport the person to the county jail. Upon receipt of such request, the sheriff is required to assume custody over the person and ensure that the person is transported to the county jail in a timely manner. The costs of transporting a person under this provision are to be paid by the county, which may seek reimbursement for such costs from the person transported under certain circumstances or apply for reimbursement from the County Jail Transportation Reimbursement Fund, which is established in this bill. The County Jail Transportation Reimbursement Fund is funded from a percentage of the total fines, forfeitures and penalties received monthly for deposit into the Government Operations Surcharge Fund.

LD 102 An Act To Make a Person Convicted of a Crime Liable for Payment of Investigative and Prosecutorial Costs

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART H ROSEN K	ONTP	

This bill amends the Maine Criminal Code to require that a court impose on a person convicted of a crime under the code a fine of an amount equal to the actual costs of investigation and prosecution of the crime for which the person is convicted that have been incurred by the office of the attorney for the State, a law enforcement agency or any other governmental entity that requests payment of such costs. Costs recovered under this provision must be returned to the office of the attorney for the State, the law enforcement agency or governmental entity that incurred the costs and must be used for actual costs incurred by such entities in investigating and prosecuting criminal cases.

LD 138 An Act To Amend the Laws Governing the Sex Offender Registry

PUBLIC 65

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S PARRY W	OTP-AM ONTP	S-37

This bill requires a person to register on the registry of sex offenders maintained by the Department of Public Safety, Bureau of State Police, State Bureau of Identification when that person is a teacher, employee or other official having instructional, supervisory or disciplinary authority who is convicted of a Class D or Class C offense of gross sexual assault, unlawful sexual contact or unlawful sexual touching and the victim, regardless of the victim's age, is a student over whom that person has control. Class D sex offenses are considered Tier I offenses, requiring the offender to register for up to 10 years, and Class C sex offenses are considered Tier II offenses, requiring the offender to register for up to 25 years.

Committee Amendment "A" (S-37)

This amendment is the majority report of the committee. The amendment removes from the bill unlawful sexual touching. The amendment makes violations of the Maine Revised Statutes, Title 17-A, section 253, subsection 2, paragraph F and section 255-A, subsection 1, paragraphs K and L registrable offenses under sex offender

Joint Standing Committee on Criminal Justice and Public Safety

registration laws when those violations are committed on or after October 1, 2017.

Enacted Law Summary

Public Law 2017, chapter 65 makes violations of the Maine Revised Statutes, Title 17-A, section 253, subsection 2, paragraph F and section 255-A, subsection 1, paragraphs K and L registrable offenses under sex offender registration laws when those violations are committed on or after October 1, 2017.

LD 141 An Act Regarding Bringing Certain Criminal Charges ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes that a body or process be created to which a victim of theft of money or merchandise can appeal if the investigating law enforcement agency determines that the matter is civil and declines to bring criminal charges against the offender.

LD 142 An Act To Establish a Statewide Sexual Assault Forensic Examination Kit Tracking System ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICCHIOTTI J DAVIS P	ONTP	

This bill establishes within the State Police the responsibility to establish, operate and maintain a sexual assault forensic examination kit tracking system. The bill sets forth the requirements for the tracking system and requires the State Police to adopt routine technical rules, including rules regarding participation in the tracking system, confidentiality and the operation of the tracking system. The bill provides civil immunity for participants in the tracking system for actions required by law or rule.

LD 169 An Act To Support Sexual Assault Survivors ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C VOLK A	ONTP	

This bill enacts protections for alleged victims of gross sexual assault that mirror protections provided in federal law.

The bill contains the following provisions.

1. The bill requires a prosecutor or law enforcement agency to provide written information to an alleged victim concerning the right to undergo a forensic examination and the right to receive the results and any report resulting from a forensic examination unless disclosure to the alleged victim could impede or compromise an ongoing investigation or an ongoing prosecution.